

HALL COUNTY BOARD OF SUPERVISORS MEETING FEBRUARY 13, 2001

The Hall County Board of Supervisors met from adjourned session and by published call in the county board meeting room, 121 South Pine, Grand Island, Nebraska, February 13, 2001 at 9:00 a.m.

The meeting was called to order by Chairman Richard Hartman.

INVOCATION: Invocation was given by Rev. Lonnie Logan.

ROLL CALL: Present on roll call were Scott Arnold, Jim Eriksen, Richard Hartman, Bob Humiston, Bud Jeffries, Pamela Lancaster and Lonnie Logan. Also present were County Attorney Jerry Janulewicz and news media representatives from the *Grand Island Independent* and KRGH.

CONSENT AGENDA: Lancaster made a motion and Jeffries seconded to approve the following items by consent agenda:

1. 2b Approve Resolution 01-0009 for the preliminary design plan and preliminary subdivision plat and zoning change for a tract of land located in Hall County 13-10-10
2. 9 Accept the committee recommendation from building and grounds to approve the specs for the skid loader and set the bid opening date for March 13, 2001 at 10:15 a.m.
3. 2c Approve Resolution 01-0010 for the amendment to the future land use map
4. 5a Approve Resolution 01-0011 for the stop sign at 13th and 90th road
5. 5b Set the public hearing for the One & Six Year Road program for February 27, 2001 at 10:15 a.m.
6. 5b 1 Set the bid opening date for March 13, 2001 at 10:00 a.m. for the annual gravel bids
7. 13 Accept and place on file the settlement with the Hall County Treasurer and the Hall County Board
8. 17 Approve the Claim for the CDBG grant for the Hall County Airport
9. 16 Approve Resolution #01-0013 for the sale of surplus property and set the bid opening date for the sealed bids on surplus property for February 27, 2001 at 10:40 a.m.
10. 18 Accept the conditional use committee recommendation to set the public hearing for the renewal of the conditional use permit for Muckel Aerial Inc. for February 27, 2001 at 10:30 a.m.
11. 19 Approve the liquor license for "The Rock"
12. 23 Accept and place on file the office reports from the County Clerk, Register of Deeds, Juvenile Diversion, Emergency Management, County Court and County Sheriff.
13. 25 Accept and place on file communications as received.
14. 24 Accept and place on file the Hall County Treasurer's Miscellaneous Receipts

Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

2a COUNTY ATTORNEY – DISCUSSION REGARDING RECLASSIFICATION AND WORK ON MINIMUM MAINTENANCE ROAD AT INTERSECTION OF 110TH ROAD AND LOUP RIVER ROAD: County Attorney Jerry Janulewicz supplied the board members with a letter addressing whether the county is required to upgrade a rural minimum maintenance road to a higher classification whenever an existing or newly constructed dwelling becomes occupied. He stated in the letter that a minimum maintenance road cannot be the only access for an occupied dwelling. If an existing or newly constructed dwelling becomes occupied, the county must take the necessary action to reclassify the minimum maintenance road to a higher classification. The reclassification does not require that the county reconstruct the road up to standards it must be reasonably safe. What liability would the county have if an accident were caused by the conditions? The need to be kept reasonably safe for travel would require the board to talk to the public works director and if it is reasonably safe they may not have to do anything. The board would have to consider whether if by maintenance alone this road could be kept in a safe and suitable condition or whether reconstruction of the road would be required. Lancaster questioned if anyone is living there at the current time and there is no record of anyone living there at the current time. Jeffries, Hartman and Darrel Johnson met on the road and drove it. It needs to be improved to make it safe. The roadbed is sandy and it would need some type of surface on it. The Public Works director would need to discuss with the Department of Roads and Classification the type of reconstruction that would be needed to bring it up to current standards. It is $\frac{3}{4}$ of a mile long and the estimated cost would be \$40,000.00. Don Shuda is building a home on the property. There will be permanent buildings and there will be two residents on the road. Hartman stated the fences would have to be moved. Steve Clark was present and he expressed concern on keeping a fence on the property because of the sandy soil. He also questioned where the road should be and where the right-of-way it located. Eriksen questioned if the County has right-of-way for this road. Arnold stated that if this project was in the One & Six plan for this year and if not where would the funds come from. Jeffries stated that it was not included and it could come from the inheritance fund as an emergency. Arnold questioned when the property was purchased if the owners knew that there wasn't a road and he doesn't feel this was an emergency. Shuda stated he has discussed this with Dan Hostler in the past. Jeffries made a motion and Logan seconded to build the road for \$40,000.00 and to take the cost from the Inheritance Fund. Hartman added that the fences would be moved by the county. Arnold questioned if the County has right-of-way and there needs to be a plan before a decision can be made. Eriksen, Hartman, Humiston, Jeffries and Logan all voted yes and Arnold and Lancaster voted no. Motion carried.

2d CONSIDER AND APPROVE LABOR AGREEMENT WITH CWA (PUBLIC WORKS DEPARTMENT) County Attorney Jerry Janulewicz that they have been negotiation on this contract for a long time accept and reached an agreement. The proposal that was submitted is for two years. It will eliminate step one, so it will be a nine-step pay plan. It will include the 10% co-pay on family insurance and 3% pay increase. Janulewicz recommended approving the contract. Jeffries made a motion and Lancaster seconded to approve the contract with the Communication Workers of America. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

2e DISCUSSION AND ACTION – BUILDING LOCATED IN COUNTY ROAD RIGHT OF WAY AT CAAP: County Attorney Jerry Janulewicz stated that there is building on the county road-right-of-way at CAAP and the owners of the land would like to leave the building. There is some business activity and but the land is used for agricultural purposes. The building is 12 feet from the edge of the road and they would like to leave it there. They would name the county on their liability insurance, but Janulewicz expressed concern that the county may need a guardrail because of the closeness of the building to the road. The county could use signs and guard rail to alert the public of the possible hazard. Max Boersen, the county building inspector issued a building permit to construct the building. When the property was sold it stated there should be fifty or sixty feet of county road right-of-way. If county agrees to use signage or guard rails they must comply with the sign regulations and standards. Logan made a motion and Jeffries seconded to refer this to the public works committee. Eriksen expressed his concern on the county's liability. Janulewicz stated he talked to Tom Jamison and there are several other building with the same problem and this will need to be addressed before the property is sold. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

PUBLIC PARTICIPATION – Chairman Hartman called for public participation and no one responded.

4 SHERIFF WATSON 2000 YEAR UPDATE AND UPDATE ON GRANTS: Sheriff Jerry Watson, Chief Deputy Chris Rea and Dave Arnold were present. Watson distributed his 2000 annual report to the board members. He stated that he is proud of the organization and the joint efforts between the Sheriff's Department Grand Island Police Department, the Nebraska State patrol, the FBI and the INS. The duties that he performs are governed by State Statute in the following capacities:

- Serves writs issued by the courts – Last year they service 8,612 writs and generated \$145,388.09 in revenue
- Collects unpaid personnel property taxes or distress warrants issued by the County Treasurer They serviced 370 distress warrants or \$193,191.90 unpaid taxes and 272 warrants have been paid in full representing \$98,447.61
- Performs title inspections – Last year conducted 3,848 title inspections and generated \$38,480.00 for this service
- Maintains and serves arrest warrants – They received 2,276 warrants and served 1,454
- Maintains the sexual offender registration within the county – They have 16 sexual offenders register at the Department
- Execute on property as directed by the court to satisfy unpaid debts They received and worked 231 executions last year
- Perform Sheriff sales – Last year they held 6 sheriff sales
- Issue emergency light permits to local volunteer firemen, dive and rescue team and EMT's Last year they issued 57 permits
- Transport prisoners across the state as well as extraditing them from anywhere across the United States They received 504 transport orders and logged 65,624 miles moving people
- Provide Courthouse security as requested by judicial officials – In the year 2000 they logged 7,120 house of security at the Hall County Courthouse.
- The Department patrolled 552 square miles

- Provide enforcement for both traffic and criminal offenses and issue citations
- Issue handgun permits
- Provide additional patrol time to the villages. Last year they committed 5,025 hours that generated \$87,360.00 through the local contracts
- They provide DARE and GREAT programs to the rural schools.

Sheriff Watson also informed the board that Hall County will receive the COPS grant. Jeffries made a motion and Lancaster seconded to accept the funds from the COPS grant. They thanked Sheriff Watson for the information. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

610:15 a.m. PUBLIC HEARING FOR LIQUOR LICENSE FOR KATHERINE L. WATTS FOR FLIGHT DECK RESTAURANT & LOUNGE: Jeffries made a motion and Lancaster seconded to open the public hearing for the liquor license for Katherine L. Watts. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

This is a new license for the newly remodeled restaurant at the airport. Chairman Hartman called for public participation and no one responded. Lancaster made a motion and Jeffries seconded to close the public hearing. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Jeffries made a motion and Lancaster seconded to approve the liquor license for Katherine L. Watts for Flight Deck Restaurant & Lounge. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

5c DISCUSS AND APPROVE PUBLIC WORKS DEPARTMENT TO HIRE ADDITIONAL EMPLOYEE: When Dan Hostler retired and Marsha Medbery and Darrel Johnson were appointed to take his place, the committee discussed allowing public works to hire an additional employee. Jeffries stated that this should be referred to the public works committee for a recommendation. With the additional roads that have to be maintained at CAAP the department needs another operator. Hartman stated the committee discussed this once. Logan made a motion and Arnold seconded to approve hiring an additional employee. Arnold, Eriksen, Hartman, Humiston, Lancaster and Logan all voted yes and Jeffries voted no. Motion carried.

5d DISCUSSION ON ABANDONMENT OF A PORTION OF ROAD ON 15-12-9 ST. PAUL ROAD: Public Works Director Marsha Medbery stated that a piece of property on Old St. Paul Road has been sold and there are questions regarding the right-of-way on a portion of the road. It will need to be determined if the road was closed or abandoned. Logan made a motion and Lancaster seconded to refer this to the county attorney for clarification. Arnold, Eriksen, Hartman, Humiston, Lancaster and Logan all voted yes and Jeffries voted no. Motion carried.

7.10:30 a.m. Rod Bass with Mid-Plains Center introduced Barb Ernst, who is the program supervisor for the Youth on Trac program and Rick Ferguson is the program director for MultiSystemic Therapy Program at Mid-Plains Center.

Rick Ferguson stated the MultiSystemic Therapy is a comprehensive treatment program designed to serve multi-problem youth in the community. MST is the only family-focused and community-based treatment program. It addresses family, school, peers and the community. It has been shown to be effective with chronic, violent delinquents and youth. He cited an example of a typical case. The program is funded through Region III grant and by Medicaid option payments. Juvenile Diversion Director Troy Chandler stated he has referred youth to this program.

Barb Ernst program supervisor for Youth on TRAC Reporting Center it is a companion to the Tracker program. It addresses juveniles in need of intensive supervision and monitoring. It is a 90-day program. It follows the philosophy of transition into healthy roles in the community and accountability for their actions. They meet daily with the parents, have a mentoring program and use tutors from Central Community College. And assist with curfew check on the participants. They receive funds from Health and Human Services and the office of juvenile services.

8 MARIANNE MANNING – 2001 HANDI BUS BUDGET – Marianne Manning and Lois Stienke were present to present the operating budget for 2002. They have contracts with the cab companies for the cab ticket program and have recently added the services of Action Cab Company for the ticket program. Last year Hall County received 12,000 cab tickets and this year the Department of Roads has approved 15,000 cab tickets for Hall County. She stated that there was an increase on the liability insurance, workman compensation insurance and the gasoline consumption costs have increased. They would also like to increase the part-time driver to 35 hours a week. These increased costs are reflected in the operating budget. The total cost of 15,000 cab tickets would be \$46,000.00. Hall County pays \$.50 for each cab ticket. They have also applied for a new handi-bus. They applied last year but did not receive the grant. The cost of the bus would be an additional \$340.00, so the total county share for the bus would be \$13,440.00 if Hall County receives the grant. Jeffries stated that Hall County should take advantage of the extra tickets. Lancaster made a motion and Jeffries seconded to approve the Handi-bus operating budget at \$46,408.00 and approve issuing 15,000 cab ticket and approve Resolution #01-0012. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

Jeffries made a motion and Lancaster seconded to apply for the grant for the handi-bus in the amount of \$13,440.00. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

10 CHAD NABITY – DISCUSSION ON COMPREHENSIVE DEVELOPMENT PLAN – Regional Planning Director Chad Nabity was present and he stated that Hall County needs to update the comprehensive development plan. The original plan was from 1970 and was projected to 1990. Hall County needs to look at the new plan and decide where we want to be in 20 years. He stated that there are legal reasons to have an updated plan, in order to do zoning it is necessary to have an updated plan. If Hall County was challenged in a zoning case they may not win with an outdated comprehensive plan. All of the communities including Grand Island, Alda, Doniphan and Wood River need to update their plans. Amick Acres Development was planned in 1970 and this development has most of the lots developed. The county needs to look at the development and where do we want development in the county. People are buying 40 acres and building homes and residential building may not be appropriate in some areas. This cost will need to be addressed at budget time. By having the City of Grand

Island, Hall County and the other communities doing the update at the same time it would result in cost savings for everyone involved. John Amick stated that the Doniphan Village supports updating the plan and it would make perfect sense to do it at the same time. Mr. Nabity stated that a consultant would need to be hired and the cost of the plan would need to be included in the 2001-2002 budget. This cost would be in addition to the 50/50 cost share for the regional planning budget. They will need people from all of the communities to participate. There would be a total of six plans. Logan made a motion and Arnold seconded to support the updating the comprehensive development plan and budget for the cost in the new fiscal year. Arnold, Eriksen, Hartman, Humiston, Lancaster and Logan all voted yes and none voted no. Motion carried.

EXECUTIVE SESSION – a. DISCUSS REAL ESTATE NEGOTIATIONS LONG RANGE PLANNING, b. DISCUSS REAL ESTATE NEGOTIATIONS NRD, c. PERSONAL EVALUATIONS d PERSONAL: Logan made a motion and Arnold seconded to go into the executive sessions listed on the agenda under item number 11. Arnold, Eriksen, Hartman, Humiston, Lancaster and Logan all voted yes and none voted no. Motion carried.

11 b. EXECUTIVE SESSION DISCUSS REAL ESTATE NEGOTIATIONS NRD 11:26 a.m. to 11:50 a.m.

11c. EXECUTIVE SESSION PERSONAL EVALUATIONS 11:51 a.m. to 11:55 a.m.

11d EXECUTIVE SESSION TO DISCUSS PERSONAL 11:55 a.m. to 11:59 a.m.

11a. EXECUTIVE SESSION TO DISCUSS REAL ESTATE NEGOTIATIONS LONG-RANGE PLANNING 12:00 a.m. to 12:20 p.m.

Eriksen made a motion and Humiston seconded to go out of executive session. Arnold, Eriksen, Hartman, Humiston, Jeffries and Lancaster all voted yes and none voted no with Logan absent for the vote. Motion carried

Logan made a motion and Lancaster seconded to approve the attorney's settlement offer on the Hall County Park for the damages from the Wood River Warm Slough project and to present the final offer to Central Platte Natural Resources District. Jeffries stated he was against this settlement because the first settlement request was over \$300,000.00 and he did not see why the county should settle for less. Lancaster questioned if along with proposal the use and maintenance of the road was addressed. Arnold, Hartman, Humiston, Lancaster and Logan all voted yes. Jim Eriksen abstained and Jeffries voted no. Motion carried.

12 UPDATE ON LONG-RANGE PLAN: Logan stated that the long range planning committee has been meeting and they are looking at real estate. The final long-range plan is back and the committee is talking to consultant and holding joint meetings with the

15 REGIONAL PLANNING – a. APPROVE FINAL PLAT FOR GREGG SUBDIVISION b. APPROVE FINAL PLAT FOR RAUERT ACRES: Lancaster made a motion and Jeffries seconded to approve the final plat for Gregg Subdivision and Rauert Acres Subdivision. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.

20. BILL STOVAL HALL COUNTY AIRPORT EXECUTIVE SESSION: This item will be tabled until a later date.

21 APPROVAL OF COMPUTER PURCHASES: Scott Arnold stated that Will Bennett with ABACUS is requesting approval to order equipment that has been budgeted for. This will include the purchase of printers, \$26,200.00 in software, \$16,200.00 for voice mail and they will install a backup link from the safety center to the administration building. Parts of the funds are from the last fiscal year. The equipment purchased is under the General Services Administration pricing. Arnold made a motion and Lancaster seconded to approve the computer purchases as outlined. Arnold, Eriksen, Hartman, Humiston, Jeffries, Lancaster and Logan all voted yes and none voted no. Motion carried.
Motion carried.

BOARD ASSISTANT REPORT: Stacey Ruzicka Board Assistant reminded the board members that the Mid-land Area Agency on Aging meeting will be February 22 at 1:30a.m. She also requested input from the supervisors on the pamphlet she prepared.

BOARD MEMBER'S REPORTS: Logan - He attended a merit commission meeting and he has sent a letter to some elected officials regarding the inmate medical expenses requesting information. He also attended the long-range planning meeting on the real estate negotiations.

Jeffries – He attended the public works committee meeting, the conditional use committee meeting concerning the renewal of the conditional use permit for Muckel's Aerial. This permit had expired and from now on the permits will be renewed 60 days prior to expiration. He attended the personal committee meeting and they reviewed portions of the handbook and discussed the changes the elected and appointed officials requested. Discussion was held on the building permit that was issued on the building that is now on county road right-of-way and why this wasn't discovered by the county building inspector.

Lancaster – She attended the audit committee meeting and reported that the personal committee has a recommendation regarding attending conventions and training meetings. She also reported that the personal committee is reviewing the new handbook. She attended the College Park Board meeting and the NACO county board workshop.

Personal committee on county handbook attended College Park and NACO county board

Arnold – He attended the crime commission meeting and reported that it was a short meeting. They toured Tecumseh prison facility and he has been appointed to the grant review committee for crime commission. He also attended the Mid-land Area Agency on Aging meeting.

Humiston – He attended the audit committee meeting, the reuse history meeting and they have established a mission statement and will determine who will own and maintain the items. He attended the weed board meeting and a computer committee meeting and the Economic Development Committee meeting.

Eriksen – He stated the health department meeting was rescheduled and the search committee has published the ad for a director and applications will be accepted until March 2.

Hartman – He stated he met with Marlen Ferguson and before a new director is hired they need to get some things straightened out. A committee consisting of three city council member three health board members and 3 county supervisors will conduct the interview. Hartman appointed Logan, Jeffries and himself to serve on the committee.

OLD BUSINESS: Lancaster requested to read in to the record the letter from the Hall County Sheriff's Department concerning the liquor license for "The Rock." The letter stated that they did not find any reason to deny this license but they do have concerns about Mr. Jacobo and his past contact with law enforcement. They contacted the State Patrol Liquor division and shared their concerns. The State Patrol has assured us that they will monitor this situation very closely.

Meeting adjourned 11:55 a.m. The next meeting will be February 27, 2001, at 9:00 a.m.

Marla J. Conley Hall County Clerk

REMINDER: The County Board meetings may be viewed on GITV Cable Channel 6 and UHF Channel 56 Wednesday at 8:00 a.m. and Friday at 8:00 a.m.